IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO.2768 OF 2007

The Stone Crusher Owners Association,
Jaisingpur. .. Petitioners
v/s.
The State of Maharashtra and others .. Respondents

Mr. G.M. Suvagave for the petitioners.
Mr. V.P. Malwankar, Assistant Government Pleader for the respondents.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.
DATED : 24TH APRIL, 2007

P.C.

It is the case of the respondent-State that they have ear-marked the plot for the members of the petitioners and the same was communicated to them by communication dated 21st March, 2007. The petitioners did not come forward to take possession. In the meantime, it is pointed out, a suit has been filed before the Joint Civil Judge, Senior Division, Kolhapur being R.C.S. No.950 of 1999 against the State by some persons. In appeal, the court restrained the State Government from handing over the possession of this plot. It appears that the appeal which is filed is pending before the District Judge, Kolhapur.

2. Considering the above, this petition is disposed of by issuing the following directions:

i) The State Government to move the District Judge

for early hearing of the matter if there is any injunction. The District Judge after hearing the parties shall dispose of the mater at any rate not later than two weeks from a copy of the order of this court being furnished to the learned District Judge.

ii) If there is no injunction against the respondent-State for handing over possession, then to hand over possession to the petitioners. The petitioners to take possession subject to whatever right they may have.

3. All questions in the petition are kept open for consideration, if the petitioner is ultimately aggrieved on account of non-grant of possession of the land. The learned counsel had sought prayer that they should be permitted to run the stone crusher. Such a relief cannot be granted by us.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)